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Perman & Green
425 Post Road
Fairfield, CT 06430-6232

EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,061

Applicant(s)

KRAFT, CHRISTIAN R.

Examiner

Meless N Zewdu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8,25 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 1-6,9-24,26 and 30 is/are rejected.
- 7) ☒ Claim(s) None is/are objected to.
- 8) ☐ Claim(s) None are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment (A)

1. This action is in response to the communication filed on 9/22/03.
2. Claims 1-16 are original claims.
3. Claims 17-30 are new claims.
4. Claims 1-30 are pending in this action.

Specification

The abstract of the disclosure is objected to because of the **end of paragraph text** "Fig. 7". Such a reference to figures or a figure can be included in the body of the abstract, but not at the end as it appears now. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 9-11 and 13-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Aoki (US 5,977,880).

Claims 9-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki (US 5,977,880).

As per claim 9: a method for handling a message exchange session between wireless communication terminals including steps of:

- generating a list of communication terminals to be invited to participate in the message exchange session reads on '880 (see col. 3, lines 14-60; col. 5, line 44-col. 6, line 15).
- inputting a message text reads on '880 (see col. 10, lines 7-25).
- transmitting said message text to the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 5, line 38-col. 6, line 14; col. 15, lines 34-39; col. 16, lines 49-57).
- receiving a reply from one of the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 5, line 38-col. 6, line 14; col. 8, lines 40-65).
- transmitting the reply from said one of the communication terminals to the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 10, lines 7-25; col. 15, lines 34-39; col. 16, lines 49-57).

As per claim 10: a method, wherein said message text is successively transmitted to each of said communication terminals listed on said list reads on '880 (see col. 21, lines 30-40; col. 28, lines 38-47). According to the prior art the messages are transmitted successively or in batch.

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As per claim 11: a method wherein said reply is successively retransmitted to each of said communication terminals listed on said list apart from the replying one reads on '880 (see col. 3, lines 29-60; col. 15, lines 34-39; col. 16, lines 49-57).

As per claim 13: a wireless communication terminal having a message exchange session handling application for handling messages in a message exchange session in a wireless communication system, said terminal comprises:

- means for generating a list of communication terminals to be invited to participate in the message exchange session reads on '880 (see col. 3, lines 14-60; col. 5, line 44-col. 6, line 15).
- means for inputting a message text reads on '880 (see col. 10, lines 7-25).
- means for transmitting said message text to the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 5, lines 44-67; col. 15, lines 34-39; col. 16, lines 49-57).
- means for receiving a reply from one of the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 8, lines 40-65).
- means for transmitting the reply from said one of the communication terminals to the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 10, lines 7-25; col. 15, lines 34-39; col. 16, lines 49-57).

As per claim 14: a wireless communication terminal wherein the transmission means successively transmits said message text to each of said communication terminals listed on said list reads on '880 (see col. 21, lines 30-40; col. 28, lines 38-47). According to the prior art the messages are transmitted successively or in batch.

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As per claim 15: a wireless communication terminal wherein the transmission means successively re-transmits said reply to each of said communication terminals listed on said list apart from the replying one reads on '880 (see col. 3, lines 29-60; col. 15, lines 34-39; col. 16, lines 49-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of King et al. (King) (US 6,286,064 B1).

As per claims 12 and 16: but, Aoki does not explicitly teach about a method wherein the reply message text is automatically added above the previous message text prior to the retransmission of the reply from said one of the communication terminals, as claimed by applicant. However, in a related field of endeavor, King teaches that a small hand held tow-way pager can be used to reply to a received email, wherein the reply is composed of the original message plus additional text added by the user (see col. 7, lines 13-16). Both of the references (Aoki and King) belong to same field of endeavor—small electronic communication devices. This lends them to be combinable. Furthermore, the session history would have been obvious from the reply message,

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which is composed/aggregated of the reply text entered by a user and an original message received by same.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of King for the benefit of Aoki's paging/electronic devices to include an accurate and high-speed text entry features, as taught by King (see col. 7, lines 47-60).

As per claim 16: a wireless communication terminal wherein the terminal includes means for adding the reply message text above the previous message text prior to the retransmission of the reply from said one of the communication terminals to the communication terminals listed on said list reads on '064 (see col. 7, lines 13-16)

Claims 1, 17-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of King.

As per claim 1: a method for handling a message exchange session between wireless communication terminals via a wireless network, and including steps of:

- initiating a message exchange session reads on '543 (see col. 1, lines 64-67). A question is a message as asserted in the prior art.
- identifying in a first communication terminal at least one other communication terminal to be invited to participate in the message exchange session reads on '880 (see col. 3, lines 14-60).
- inputting a message text reads on 880 (col. 10, lines 7-25).
- transmitting said message text to said at least one other communication terminal reads on '880 (see col. 3, lines 24-35; col. 10, lines 16-25).

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- transmitting said message text to the other communication terminal being party to the message exchange reads on '880' (see col. 3, lines 29-60; col. 16, lines 49-57). But,

Aoki does not explicitly teach about inputting a reply text message and adding same to a received message, as claimed by applicant. However, in a related field of endeavor, King teaches that a small hand held tow-way pager can be used to reply to a received email, wherein the reply is composed of the original message plus additional text added by the user (see col. 7, lines 13-16). Both of the references (Aoki and King) belong to same field of endeavor—small electronic communication devices. This lends them to be combinable. Furthermore, the session history would have been obvious from the reply message, which is composed/aggregated of the reply text entered by a user and an original message received by same.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of King for the benefit of Aoki's paging/electronic devices to include an accurate and high-speed text entry features, as taught by King (see col. 7, lines 47-60).

As per claim 17: the method wherein when responding to a received message the message text inputted for replying to the received message is an arbitrary string of message text inputted by a replying user reads on '880 (see abstract; col. 3, lines 26-60; col. 10, lines 7-25).

As per claim 18: the method wherein the message exchange session comprises an arbitrary exchange of messages between at least the first communication terminal and the at least one other communication terminal invited to participate in the message

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exchange session reads on '880 (see figs. 2 and 3, element 4; col. 5, line 38-col. 6, line 14; col. 10, lines 7-25).

As per claim 19: the method wherein the message text for replying to the received message is a random message text and is not dependent on the received message reads on '880 (see figs. 2 and 3, element 4; col. 5, line 38-col. 6, line 14; col. 10, lines 7-25). The key question here is the message being text, but not whether the message is random or not, which is a subjective feature dependent up on the user.

As per claim 20: the method wherein the at least other communication terminal to be invited to participate can view the message exchange history prior to inputting a message that is independent of the message exchange session history reads on '880 (see figs. 2 and 3, element 4; col. 5, line 38-col. 6, line 14; col. 10, lines 7-25). The key question here is the message being text, but not whether the message is random or not, which is a subjective feature dependent up on the user.

As per claim 21: the method wherein the message exchange session is a free-flowing exchange of messages, wherein one message is not necessarily dependent on another message reads on '880 (see figs. 2 and 3, element 4; col. 5, line 38-col. 6, line 14; col. 10, lines 7-25). The key question here is the message being text, but not whether the message is random or not, which is a subjective feature dependent up on the user.

As per claim 22: the method wherein any one of the wireless communication terminals can initiate a message exchange session and generate a message requesting a response reads on '880 (see abstract; col. 3, lines 14-60). A terminal that can send and receive messages can send a **reply/response** request message, because the request is still a message.

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As per claim 23: the method further comprising inputting a second message text and transmitting said second message text prior to receiving a reply to a first message text reads on '880 (see abstract; col. 3, lines 14-60). Sending a second message when a first messages gets no response is obvious.

As per claim 24: the method further comprising in the first communication terminal, receiving the message text for replying to the received message and adding the received message text as a new line to a beginning of a last received message reads on '064 (see col. 7, lines 11-16).

As per claim 26: the method wherein the at least one other communication terminal receives and displays the second message text while a message text is being inputted for replying to the first message reads on '064 (see col. 7, lines 11-16).

Claims 3 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of King.

As per claim 3: a wireless communication terminal having a message exchange session handling application for handling messages in a message exchange session in a wireless communication system, said terminal comprises:

- a software application having means for initiating a message exchange session, said initiating means includes reads on '543 (see col. 1, lines 64-67; col. 7, line 24-col. 8, line 18). A question is a form of message as asserted in the prior art.
- means for identifying at least one other communication terminal to be invited to participate in the message exchange session reads on '880 (see col. 3, lines 14-60).
- means for entering a text input as a message text reads on 880 (col. 10, lines 7-25).

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- a transmitter for transmitting said message text to said at least one other communication terminal reads on '880 (see col. 3, lines 24-35; col. 10, lines 16-25).
- a receiver for receiving a reply from said at least one other communication terminal reads on '880 (see abstract).
- said software application furthermore having means for replying to a message during a message exchange session reads on 880 (see abstract).
- means for entering a text input reads on '880 (see col. 10, lines 7-25). But, Aoki does not explicitly teach about a means for adding said text input to the received message text for generating an aggregate message text for replying by means of the transmitter, as claimed by applicant. However, in a related field of endeavor, King teaches that a small hand held tow-way pager can be used to reply to a received email, wherein the reply is composed of the original message plus additional text added by the user (see col. 7, lines 13-16). Both of the references (Aoki and King) belong to same field of endeavor—small electronic communication devices. This lends them to be combinable. Furthermore, the session history would have been obvious from the reply message, which is composed/aggregated of the reply text entered by a user and an original message received by same.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of King for the benefit of Aoki's paging/electronic devices to include an accurate and high-speed text entry features, as taught by King (see col. 7, lines 47-60).

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As per claim 30: the wireless communication terminal wherein each communication terminal is a mobile telephone reads on '064 (see col. 7, lines 1316). A mobile telephone is a two-way paging device.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of King as applied to claims 1 and 3 above, and further in view of Raith (US 6,385,461 B1).

As per claim 2: but, Aoki in view of King do not explicitly teach about a method wherein a point-to-point short message service in the wireless network is used as message exchange session as claimed by applicant. However, in a related field of endeavor, Raith teaches about the use of point-to-point short message service utilized by user group in a cellular network (see col. 2, lines 36-55; col. 3, line 59-col. 4, line 49; col. 7, line 21-col. 8, line 43). Raith also teaches that all cellular standards currently support the SMS service. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of Raith for the advantage of Aoki's terminal/s to be supported by the SMS standard which is widely used by the wider wireless communication systems.

As per claim 4: Aoki does not explicitly teach about a wireless communication wherein the transmitter transmits the message text by means of a point-to-point short message service in the wireless network, as claimed by applicant. However, Raith teaches this feature as discussed in the rejection of claim 2. So, ground of rejection and motivation for claim 4, is the same as provided in claim 2.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of King.

As per claim 5: a wireless communication terminal having a message exchange session handling application for handling messages in a message exchange session in wireless communication system, said terminal comprises:

said software application further having means for relying to a message during a message exchange session reads on "880 (see col. 7, line 44-col. 8, line 18).

means for entering a text message reads on '880 (see fig. 5, element 26; col. 7, lines 24-35; col. 10, lines 7-16). But, Aoki does not explicitly teach about a means for adding said text message input to the received message text for generating an aggregate message text for replying, as claimed by applicant. However, in a related field of endeavor, King teaches that a small hand held tow-way pager can be used to reply to a received email, wherein the reply is composed of the original message plus additional text added by the user (see col. 7, lines 13-16). Both of the references (Aoki and King) belong to same field of endeavor—small electronic communication devices. This lends them to be combinable. Furthermore, the session history would have been obvious from the reply message, which is composed/aggregated of the reply text message entered by a user and an original message received by same.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of King for the benefit of Aoki's paging/electronic devices to include an accurate and high-speed text entry features, as taught by King (see col. 7, lines 47-60).

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of King.

As per claim 6: a computer program product stored on a computer readable storage medium, comprising:

- computer readable program code means for replying to a message during a message exchange session in a wireless communication system, said computer readable program code means provides a message exchange session handling application in a wireless communication terminal; and said computer readable program code means reads on '880 (see col. 7, line 44-col. 8, line 18).
- handles a text input entered by the user reads on '880 (see fig. 5, element 26; col. 7, lines 24-35; col. 10, lines 7-16). But, Aoki does not explicitly teach about adding a user input text to a received message text for generating an aggregate message text for replying, as claimed by applicant. However, in a related field of endeavor, King teaches that a small hand held tow-way pager can be used to reply to a received email, wherein the reply is composed of the original message plus additional text added by the user (see col. 7, lines 13-16). Both of the references (Aoki and King) belong to same field of endeavor—small electronic communication devices. This lends them to be combinable. Furthermore, the session history would have been obvious from the reply message, which is composed/aggregated of the reply text message entered by a user and an original message received by same.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of King for the benefit of Aoki's paging/electronic devices to include an accurate and high-speed text entry features, as taught by King (see col. 7, lines 47-60).

Response to Arguments

Applicant's arguments filed 9/22/03, regarding claims 9-11 and 13-15 have been fully considered but they are not persuasive. Provided below is a response to applicant's argument.

Argument I: with regard to claims 9 and 13, applicant argues by saying, Aoki does not disclose or suggest transmitting a reply message from one of a communication terminals listed on a list.

Response I: examiner respectfully disagrees with the argument, in that Aoki discloses a communication terminals each receiving a question and provide an answer to the question. The system is a group calling/messaging system that includes a group list. Hence, the answer provided by each group member to the received question can be considered a reply message. Furthermore, applicant seems to be considering the function of **transfer** different from **transmit**, with which examiner disagrees.

Argument II: regarding claim 11, applicant argues by saying the prior art does not disclose that a reply message is successively retransmitted to each communication terminal.

Response II: examiner disagrees with the argument, in that the answer by each communication terminal can be considered as a reply message. Since, the terminals respond both the question and their own answer, the question part is a retransmitted signal.

Applicant's arguments with respect to claims 1-6, 12 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 7-8, 25 and 27-29 are allowed.

The following is an examiner's statement of reasons for allowance:

As per claims 7-8, 25 and 27-29: the claims are directed to wireless group messaging system. The prior art of record does not teach or fairly suggest a message exchange session handling server successively adding received message text from a group of communication terminals in order to update a message text that is to be transmitted to the group communication terminals participating in the group message exchange session, as recited in claims 7 and 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Meless Zewdu

M. Z.

Examiner

12 December 2003.



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600